

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

RCP PUBLICATIONS INC.,

Plaintiff,

v.

CITY OF CHICAGO,

Defendant.

No. 15 C 11398

Hon. Matthew F. Kennelly

FINAL JUDGMENT ORDER

The Court has entered summary judgment in this case (ECF No. 93) and now enters judgment in the case as follows:

1. Regarding Plaintiff's claim that Section 10-8-320 of the Chicago Municipal Code is an unlawful regulation of commercial speech that violates the First Amendment under the test set forth in *Central Hudson Gas & Electric Corp. v. Public Service Commission of New York*, 447 U.S. 557, 561 (1980), the Court finds in favor of Defendant. Accordingly, judgment is entered against Plaintiff and in favor of Defendant on Plaintiff's commercial speech claim.

2. Regarding Plaintiff's claim that Section 10-8-320 of the Chicago Municipal Code is void for vagueness, the Court finds in favor of Plaintiff. Accordingly, judgment is entered against Defendant and in favor of Plaintiff on Plaintiff's vagueness claim, and Plaintiff and the class shall recover on this claim as follows:

- a. The City will vacate all judgments against members of the class for violations of Section 10-8-320 and will vacate any payment plans on any outstanding judgments against members of the class for past violations of Section 10-8-320.
- b. Notice shall be provided to each class member that they are entitled to seek reimbursement of fees and costs paid to the City in satisfaction or settlement of violations of Section 10-8-320 of the Chicago Municipal Code.
- c. Each class member who responds affirmatively to the notice shall be reimbursed the amount actually paid to the City, plus prejudgment interest calculated at the rate of 1.75 percent per annum from December 17, 2015, or the date the judgment was entered against the class member, whichever is later, as determined by records in the possession of the City's Finance Department. The calculations of monetary relief due to each class member will be mechanical, will be unlikely to engender dispute or controversy, and will require no discretionary determinations.
- d. The City is permanently enjoined from enforcing Section 10-8-320 of the Chicago Municipal Code.

- e. Class representative RCP Publications Inc. is awarded \$1,000.00 in compensatory damages in addition to the amount recoverable under paragraph (c).

3. Rule 23(c)(2) notice was directed to all persons and/or entities who have been ticketed for violation of Section 10-8-320 of the Chicago Municipal Code for the time period of December 21, 2013 to June 19, 2017. The Court finds that all persons or entities ticketed for violations of Section 10-8-320 of the Chicago Municipal Code during the time period of December 21, 2013 to June 19, 2017 are members of the class, with the exception of Lyft, Inc., which opted out of membership in the class.

DATE: May 21, 2018


MATTHEW F. KENNELLY
United States District Judge